

Filed 12/16/20 P. v. Smith CA2/4

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

VERNARD SMITH,

Defendant and Appellant.

B299559

Los Angeles County

Super. Ct. No. TA080455

APPEAL from a judgment of the Superior Court of Los Angeles County, Tammy Chung Ryu, Judge. Dismissed.

Sarvenaz Bahar, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In 2006, defendant and appellant Vernard Smith pled guilty to attempted murder (Pen. Code, §§ 664, 187, subd. (a)),¹ admitted he personally used a firearm (§ 12022.53, subd. (b)), and admitted the offense was committed for the benefit of a criminal street gang (§ 186.22, subd. (b)(1)(A)). The court sentenced Smith to 17 years in state prison, consisting of a seven-year mid-term for the attempted murder, plus 10 years for the firearm enhancement. The court stayed sentencing on the gang enhancement.

In 2019, Smith filed a petition asking the trial court to strike or dismiss the firearm enhancement under Senate Bill No. 620. The court denied Smith's petition. The court explained Smith was not entitled to relief because his case was final when Senate Bill No. 620 took effect. Smith timely appealed.

Appellate counsel filed a brief identifying no issues and invited this court to independently review the record for arguable issues. The court notified Smith he had 30 days to file a supplemental brief, but he did not file one. We have no independent duty to review the record for reasonably arguable issues. (*People v. Cole* (2020) 52 Cal.App.5th 1023, 1028, 1039-1040, review granted Oct. 14, 2020, S264278.) We therefore dismiss Smith's appeal as abandoned. (*Ibid.*)

¹ All undesignated statutory references are to the Penal Code.

DISPOSITION

The appeal is dismissed.

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CURREY, J.

We concur:

WILLHITE, Acting P.J.

COLLINS, J.